

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

STEVEN WYNN, ELAINE WYNN,
WYNN RESORTS LIMITED AND
WYNN RESORTS L.L.C.

Plaintiffs,

vs.

LEXINGTON INSURANCE COMPANY, and
ALLIED WORLD ASSURANCE COMPANY (US)
INC.,

Defendants.

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Civil Action No. 07 CV 7604 (NRB)(MHD)

**NOTICE OF MOTION TO ADMIT
MATTHEW J. HERRINGTON
PRO HAC VICE**

PLEASE TAKE NOTICE that, upon the annexed affidavit of Christopher J. Marino in support of this motion and the Certificate of Good Standing annexed thereto, Defendants Lexington Insurance Company ("Lexington") and Allied World Assurance Company (US) Inc. ("AWAC") (collectively, "Defendants" or the "Insurers") will move this Court, at the United States Courthouse for the Southern District of New York, pursuant to Rule 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, for an Order allowing the admission of Matthew J. Herrington, a member of the firm of STEPTOE & JOHNSON LLP, as attorney *pro hac vice* for Defendants in this matter.

FILED
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
MAR 4 PM 1:37
S.D. OF N.Y.

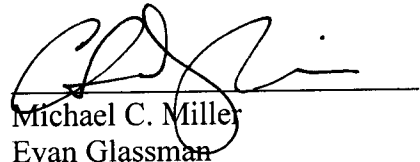
643699 \$25 3-11-08 MZ

Respectfully submitted,

Dated: New York, New York
March 4, 2008

STEPTOE & JOHNSON LLP

By:


Michael C. Miller
Evan Glassman
Christopher J. Marino
750 Seventh Avenue, Suite 1900
New York, NY 10019
(212) 506-3900

*Attorneys for Defendants
Lexington Insurance Company and
Allied World Assurance Company
(US) Inc.*

Of Counsel:

Roger E. Warin, Esq.
STEPTOE & JOHNSON LLP
1330 Connecticut Avenue, NW
Washington, DC 20036
Telephone: (202) 429-3000
Facsimile: (202) 429-3902

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Civil Action No. 07 CV 7604 (PAC)

AFFIDAVIT IN SUPPORT
OF MOTION TO ADMIT
MATTHEW J. HERRINGTON
PRO HAC VICE

CHRISTOPHER J. MARINO states as follows:

1. I am a member of the Bar of this Court and associated with the firm of Steptoe & Johnson LLP. I make this affidavit in support of Defendants Lexington Insurance Company (“Lexington”) and Allied World Assurance Company (US) Inc. (“AWAC”) (collectively, “Defendants” or the “Insurers”) motion for the admission of Matthew J. Herrington, Esq. to practice *pro hac vice* as counsel for Defendants in the above-captioned case.

2. Mr. Herrington is a member of the firm of Steptoe & Johnson LLP, resident in our District of Columbia office. Mr. Herrington is a member in good standing of the Bar of the District of Columbia. (A certified copy of Mr. Herrington’s certificate of good standing in the Bar of the District of Columbia is annexed hereto as Exhibit A.) Mr. Herrington has advised me that he is familiar with the Federal Rules of Civil Procedure and with the Local Rules of this Court.

3. In addition, I have worked with Mr. Herrington and I can personally attest that he is competent and of utmost good character.

4. There are no pending disciplinary proceedings against Mr. Herrington in any State or Federal Court.

5. Wherefore, I respectfully request that Matthew J. Herrington, Esq., be admitted to practice *pro hac vice* as counsel for Defendants in the above-captioned case.

6. Pursuant to 28 U.S.C.A. §1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed: March 4, 2008
New York, New York



Christopher J. Marino
STEPTOE & JOHNSON LLP
750 Seventh Avenue
New York, New York 10019
(212) 506-3900

*Attorneys for Defendants
Lexington Insurance Company and
Allied World Assurance Company
(US) Inc.*



District of Columbia Court of Appeals
Committee on Admissions
500 Indiana Avenue, N.W. — Room 4200
Washington, D. C. 20001
202 / 879-2710

I, GARLAND PINKSTON, JR., Clerk of the District of Columbia Court of Appeals, do hereby certify that

MATTHEW J. HERRINGTON

was on the 7TH day of OCTOBER, 1996,
duly qualified and admitted as an attorney and counselor and
entitled to practice before this Court and is, on the date
indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have
hereunto subscribed my name
and affixed the seal of this
Court at the City of
Washington, D.C., on
February 28, 2008.

GARLAND PINKSTON, JR., CLERK

By: [Signature]
Deputy Clerk

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X

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: Civil Action No. 07 CV 7604 (NRB)(MHD)

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: [PROPOSED]

: ORDER FOR

: ADMISSION

: PRO HAC VICE

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The motion for admission *pro hac vice* in the above-captioned matter is granted. The admitted attorney, Matthew J. Herrington, is permitted to argue or try this particular case in whole or in part as counsel or advocate.

An attorney admitted to practice *pro hac vice* is required to pay a \$25.00 per attorney admission fee and present this Order to the intake deputy clerk in the Clerk's Office. When paying by mail, return a copy of this Order to the Clerk's Office with the required fee.

This order confirms your appearance as counsel in this case, and it will be entered on the Court's docket. A notation of your admission *pro hac vice* for the above-listed case will be made on the roll of attorneys.

The attorney admitted *pro hac vice* must serve a copy of this Order on all other counsel in this case.

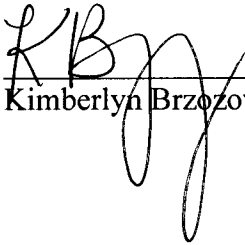
Dated: New York, New York
_____, 2008

SO ORDERED:

Hon. Naomi R. Buchwald, U.S.D.J.

CERTIFICATE OF SERVICE

I do hereby certify that on this 4th day of March 2008, I served a copy of the foregoing **Notice of Motion to Admit Matthew J. Herrington *Pro Hac Vice*, supporting Affidavit and [Proposed] Order** on Stuart P. Slotnick, Esq., counsel for Plaintiffs in the above-captioned matter via electronic mail and Federal Express.



Kimberlyn Brzozowski